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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re: Chapter 11 (Subchapter V)

RISE DEVELOPMENT PARTNERS, LLC, Case No. 23-44119 (ESS)

Debtor.

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**SUMMARY AND AFFIRMATION OF ADAM P. WOFSE, ESQ. PURSUANT TO
LOCAL RULE 3018-1 REGARDING CERTIFICATION OF BALLOTS ACCEPTING
OR REJECTING PLAN OF LIQUIDATION FOR SMALL BUSINESS UNDER
SUBCHAPTER V OF CHAPTER 11**

Adam P. Wofse, Esq., an attorney duly admitted to practice before this Court, affirms under penalty of perjury:

1. I am a partner of the law firm LaMonica Herbst & Maniscalco, LLP, counsel to Rise Development Partners, LLC, the debtor and debtor in possession herein (“Debtor”).

2. I submit this affirmation, in accordance with Rule 3018-1 of the Local Bankruptcy Rules for the Eastern District of New York (“Local Rules”), with respect to the summary (the “Summary”) and certification (“Certification”) of the ballots received which voted to accept or reject the Plan of Liquidation for Small Business Under Subchapter V of Chapter 11 (Doc. No. 58), as may be modified or amended (“Plan”) ¹ (Doc. No. 83), which were solicited pursuant to the Order Scheduling Hearing on Confirmation of Debtor’s Plan and Related Matters, dated February 23, 2024 (Doc. No. 64).

¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Plan.

3. Based upon the Summary and Certification below, and the requirements of the Bankruptcy Code, the Debtor, through counsel, certifies to the Court that the Debtor's Plan may be approved by the Court.

**CLASS 1: CONSTRUCTION TRUST FUND CLAIMS
(Unimpaired)**

4. Class 1 Claims are unimpaired, and therefore, in accordance with section 1126(f) of the Bankruptcy Code, Class 1 is deemed to have voted to accept the Plan.

**CLASS 2: SECURED CLAIM OF U.S. SMALL BUSINESS ADMINISTRATION
(Impaired)**

5. The Class 2 Claim of the U.S. Small Business Administration (the "SBA") is impaired.

6. Although entitled to vote, the Debtor, through counsel, communicated with counsel for the SBA and was informed that as a matter of policy and practice, the SBA does not and will not tender a vote on a chapter 11 plan. Therefore, the SBA did not cast a vote. The SBA (as communicated to Debtor's counsel) does, however, support the Plan.

**CLASS 3: VEHICLE AND EQUIPMENT SECURED CLAIMS
(Unimpaired)**

7. Class 3 Claims are unimpaired, and therefore, in accordance with section 1126(f) of the Bankruptcy Code, Class 3 is deemed to have voted to accept the Plan.

**CLASS 4: GENERAL UNSECURED CLAIMS
(Impaired)**

Class 4 Creditors	Amount of Claim	Vote
American Express National Bank	\$ 38,014.10	Accepts
Independence Carting	\$ 23,190.40	Accepts

Calculation of the Class 4 Ballots

Number	
Total number of voting claimants:	2
Total number of accepting claimants:	2
Total number of accepting claimants who are insiders:	0
Total number of accepting claimants who are not insiders:	2
Total number of rejecting claimants:	0
Total percentage of number of accepting claimants:	100%

Amount	
Total amount of claims held by voting claimants:	\$61,204.50
Total amount of claims held by accepting claimants:	\$61,204.50
Total amount of claims held by voting insiders:	\$0.00
Total amount of claims held by voting non-insiders:	\$61,204.50
Total amount of claims held by rejecting claimants:	\$0.00
Total percentage of votes held by accepting claimants:	100%

8. Therefore, in accordance with section 1126(c) of the Bankruptcy Code, Class 4 has accepted the Plan.

**CLASS 5: INTERESTS
(Impaired)**

9. Class 5 Interests are deemed to have rejected the Plan in accordance with section 1126(g) of the Bankruptcy Code, and therefore, Class 5 Interests are not entitled to vote. Notwithstanding the foregoing, each of the Class 5 interest holders supports the Plan.

CONCLUSION

10. I hereby certify that the ballots have been examined and further represent that, except as otherwise stated herein, they are in proper form.

11. Class 5 (Interests) is the only class that has rejected the Plan. Impaired Class 4 has accepted the Plan. Unimpaired Classes 1 and 3 have accepted the Plan. Class 2 did not vote as set forth above.

12. Based upon the foregoing and the requirements set forth in Section 1191 of the Bankruptcy Code, applicable to subchapter V debtors (as will be further set forth in the Debtor's Declaration in Support of the Plan (the "Debtor's Declaration")), the Debtor's subchapter V Plan may be approved by this Court by cramdown. In accordance with Local Rule 3018-1(a)(ii) the Debtor intends to confirm its Plan via cramdown applicable in this subchapter V case.

13. In accordance with Local Rule 3018(a)(iii), the Debtor's testimony in support of the Plan, as set forth in the Debtor's Declaration, is the sole testimony intended to be entered into the Court record in support of confirmation of the Plan.

NOTICE

In accordance with Local Rule 3018-1(b), a copy of this Summary and Certification is being served upon: (1) the Debtor, (2) the Subchapter V Trustee, (3) any committee (not applicable), (4) the United States Trustee, and (e) all persons or entities that have requested notice

of the proceedings pursuant to Bankruptcy Rule 2002 in this case.

Dated: April 4, 2024
Wantagh, New York

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